

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Strafford Superior Court
259 County Farm Road, Suite 301
Dover NH 03820

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

SUMMONS IN A CIVIL ACTION



Case Name: **Robert Carty v United Parcel Service, Inc.**
Case Number: **219-2019-CV-00135**

Date Complaint Filed: March 14, 2019

A Complaint has been filed against United Parcel Service, Inc. in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

May 03, 2019

Robert Carty shall have this Summons and the attached Complaint served upon United Parcel Service, Inc. by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law.

May 24, 2019

Robert Carty shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice.

30 days after Defendant is served

United Parcel Service, Inc. must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below.

Notice to United Parcel Service, Inc.: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Gary Michael Burt, ESQ	Primmer Piper Eggleston & Cramer 900 Elm St 19th Fl PO Box 3600 Manchester NH 03105
John Daniel Prendergast, ESQ	Primmer Piper Eggleston & Cramer 900 Elm St 19th Fl PO Box 3600 Manchester NH 03105
United Parcel Service, Inc.	55 Glenlake Parkway NE Atlanta GA 30328

BY ORDER OF THE COURT

March 19, 2019
(126914)

Kimberly T. Myers
Clerk of Court

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NOTICE TO DEFENDANT

Case Name: **Robert Carty v United Parcel Service, Inc.**
Case Number: **219-2019-CV-00135**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Strafford Superior Court**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Strafford Superior Court** as the location.
3. Select "I am filing into an existing case". Enter **219-2019-CV-00135** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

IMPORTANT: After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: www.courts.state.nh.us.

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

STATE OF NEW HAMPSHIRE

STRAFFORD, SS.

SUPERIOR COURT

Docket No.: 219-2019-CV-00135

Robert Carty, individually, and as Parent and Next Friend of E [REDACTED] C [REDACTED]

v.

United Parcel Service, Inc.

COMPLAINT**I. JURY TRIAL REQUEST**

1. Robert Carty, individually, and as parent and next friend of E [REDACTED] C [REDACTED], requests a jury trial.

II. PARTIES

2. Robert Carty, now and at all relevant times has resided with his wife and children, including his child E [REDACTED] C [REDACTED], at 10 Denbow Road, Durham, New Hampshire.
3. United Parcel Service, Inc. (“UPS”) is a Delaware corporation that is registered to conduct business and maintains a physical presence in New Hampshire, and has a principal office address of 55 Glenlake Parkway, NE, Atlanta, Georgia, 30328.

III. JURISDICTION AND VENUE

4. The Court has jurisdiction over this matter pursuant to R.S.A. 491:7.
5. Venue is proper in this Court pursuant to R.S.A. 507:9 as Robert Carty resides in Durham.

IV. FACTS

6. E [REDACTED] C [REDACTED], born [REDACTED] 2008, is a minor who, at all relevant times, lived with her mother and father at 10 Denbow Road, Durham, New Hampshire.
7. On May 11, 2016, UPS delivered to 10 Denbow Road a large and heavy piece of unassembled furniture that was shipped in a large box.
8. When UPS delivered the long and heavy parcel to 10 Denbow Road it left the box leaning against the house near one of the residence's doorways in such a way that it could fall on a child and cause serious injuries.
9. The parcel was labeled with UPS' own "Caution – Heavy Package" stickers, which should have alerted the driver the danger of leaving it leaning against a residence.
10. After UPS made its delivery, E [REDACTED], then age 7, returned home with her mother and sister.
11. The package fell on E [REDACTED], causing her head to strike the ground.
12. E [REDACTED] was rendered unconscious and sustained a significant closed head injury.

V. COUNT I – NEGLIGENCE – ROBERT CARTY AS PARENT AND NEXT FRIEND OF E [REDACTED] C [REDACTED]

13. Robert Carty, as parent and next friend of E [REDACTED] C [REDACTED], incorporates by reference all above paragraphs.
14. UPS had a duty to use reasonable care when delivering large and heavy packages to place them in such a way to avoid causing foreseeable harm to others.

15. UPS breached that duty by precariously leaning a large and heavy package against the 10 Denbow Road residence when it was foreseeable that it might fall on a child.
16. As a proximate result of UPS' breach, E [REDACTED] suffered physical and emotional injuries, and endured significant pain and suffering for which UPS is liable to Robert Carty as E [REDACTED]'s parent and next friend.
17. Robert Carty, as parent and next friend of E [REDACTED] C [REDACTED], demands judgment in his favor against UPS and requests an award of damages to be determined at trial, together with costs and interest.

VI. COUNT II – NEGLIGENCE – ROBERT CARTY INDIVIDUALLY

18. Robert Carty, individually, incorporates by reference all above paragraphs.
19. UPS had a duty to use reasonable care when delivering large and heavy packages to place them in such a way to avoid causing foreseeable harm to others.
20. UPS breached that duty by precariously leaning a large and heavy package against the 10 Denbow Road residence when it was foreseeable that it might fall on a child.
21. As a proximate result of UPS' breach, E [REDACTED] suffered physical injuries, requiring medical treatment, the expenses for which UPS is liable to Robert Carty.
22. Robert Carty, individually, demands judgment in his favor against UPS and requests an award of damages to be determined at trial, together with costs and interest.

Respectfully submitted,

**ROBERT CARTY, INDIVIDUALLY
AND AS PARENT AND NEXT FRIEND
OF E█████████████████████ C█████████**

by his attorneys,

**PRIMMER PIPER
EGGLESTON & CRAMER PC**

Dated: March 14, 2019

by: 

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